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EXAMINER	
QUINONES, ISMAEL C	
ART UNIT	**PAPER NUMBER**
2686	7

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/912,794	KRISHNAN, RAM	
	Examiner	Art Unit	
	Ismael Quiñones	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *May 20, 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9, 11- 19, 21-22, 25-28, and 30-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9, 11- 19, 21-22, 25-28, and 30-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to Applicant's amendment filed on May 20, 2004. **Claims 1-9, 11- 19, 21-22, 25-28, and 30-31** are now pending in the present application. **This Action is made FINAL.**

Claim Objections

2. **Claims 12 and 13** are objected to because of the following informalities: Claim 10 is cancelled; therefore both claims 12 and 13 should depend on another claim currently pending in the application. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claims 1-9, 11- 19, 21-22, 25-28, and 30-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (U.S Pat. No. 5,974,328) in view of Dennison et al. (U.S Pat. No. 6,324,404).

Regarding **claim 1**, Lee et al. disclose a mobile communication device (A mobile communication device such as a mobile phone; *col. 4, lines 44-45; Fig. 1, item 114, Fig. 2, item 114*), comprising: a signal sender (A signal sender such as transmitter; *col. 4, lines 49-53; Fig. 2, item 214*); a signal receiver (Wherein the mobile communication device comprises a receiver; *col. 4, lines 49- 52; Fig. 2, item 210*); a memory (Wherein the mobile communication device comprises a control section that includes a memory; *col. 5, lines 20-22; Fig. 2, item 236; Fig. 3, item 236*) including a lookup table containing base station identification information (A lookup table such as a or database table comprising a collection of data items or base station information identification data such as the System Identification Number to which the base station pertains, which is stored in memory for accessing or tuning to preferred mobile communication system; *col. 4, lines 18-26; col. 5, lines 55-56; col. 6, lines 6-11; col. 7, lines 27-30; Fig. 3, item 236; Fig. 4 and Fig. 5*); determining a location of said mobile communication device (Determining the location of a mobile phone; *col. 2, lines 29-34; col. 3, lines 12-20; col. 6, lines 27-30*); wherein said location can be matched to at least one preferred system from the base station identification information (A preferred system identified by a determined mobile phone location, subsequently selecting the preferred system from a database stored on memory based on the mobile phone determined location; *col. 2, lines 29-34; col.*

6, lines 27-47). Lee et al. fail to clearly specify wherein the mobile communication device, further comprises a locator for determining a location of said mobile communication device by a distance measuring technique.

In the same field of endeavor, Dennison et al. disclose a mobile communication device, comprising a locator determining the location of a mobile communication device by a distance measuring technique (Means for locating or determining the precise position of a mobile communication device, wherein said means includes a GPS receiver and location techniques such as triangulation; *col. 9, lines 20-21 and lines 37-78; col. 16, lines 33-38*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Lee et al. mobile communication device to comprise a locator as taught by Dennison et al. for the purpose of, accurately ascertaining the exact geographic location of a mobile communication device for means of providing a most efficient service, such as proper communication process management.

Regarding **claim 2**, and as applied to claim 1, Lee et al. disclose the aforementioned mobile communication device, comprising a locator converter (Using the SID or System "ID" for determining the mobile communication device location; *col. 6, lines 43-47*). Lee et al. fail to clearly specify the mobile communication device comprising a locator.

In the same field of endeavor, Dennison et al. disclose a mobile communication device, comprising a locator (Means for locating or determining the precise position of a mobile communication device, wherein said means

includes a GPS receiver and location techniques such as triangulation; *col. 9, lines 20-21 and lines 37-78;*), furthermore converting location generated by said mobile communication device locator into a geographic region in the lookup table (Communication data that comprises computerized latitude and longitude tables which are then compared to geographic location tables; *col. 11, lines 28-34*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Lee et al. mobile communication device to comprise a locator such as a GPS receiver as taught by Dennison et al. for the purpose of, accurately ascertaining the exact geographic location of a mobile communication device for means of providing a most efficient service, such as proper communication process management.

Regarding **claim 3**, and as applied to claim 1, Lee et al. in view of Dennison et al. disclose the aforementioned mobile communication device. In addition, Lee et al. disclose wherein said signal sender and said signal receiver comprise a mobile telephone sender and a mobile telephone receiver (An RF section that comprises a transmitter and a receiver, for means of establishing a wireless communication channel; *col. 4, lines 51-62; Fig. 2, item 214 and 210*).

Regarding **claim 4**, and as applied to claim 1, Lee et al. in view of Dennison et al. disclose the aforementioned mobile communication device. In addition, Lee et al. disclose wherein said memory comprises at least one digital storage device ("Built-in" computer memories such as ROM, RAM or EEPROM which comprise means for storing digital data or machine language data; *Fig. 3, item 236*).

Regarding **claim 5**, and as applied to claim 1, Lee et al. in view of Dennison et al. disclose the aforementioned mobile communication device. In addition, Lee et al. disclose the communication device further comprising a processor in communication with said signal sender, said signal receiver, and said memory (Wherein the mobile communication device comprises a controller/microprocessor coupled to memory, the transmitter, and the receiver; *col. col. 5, lines 22 and lines 55-62; col. 9, lines 50-55; Fig. 2, item 206 and item 232; Fig. 3, item 232*).

Regarding **claim 6**, and as applied to claim 1, Lee et al. in view of Dennison et al. disclose the aforementioned mobile communication device. In addition, Lee et al. disclose wherein the lookup table comprises at least one roaming list (A roaming list such as one stored on the mobile communication device memory that includes attributes in order to select a preferred mobile communication system; *col. 7, lines 30-35; Fig. 5*).

Regarding **claim 7**, and as applied to claim 6, Lee et al. in view of Dennison et al. disclose the aforementioned mobile communication device. In addition, Lee et al. disclose wherein, upon accessing of a base station by said signal sender (radio transceivers or base stations that comprise the necessary equipment to transmit and receive calls to and from a mobile communication device located in their operating area or cell; *col. 3, lines 57-61; Fig. 1, item 110*), the lookup table matches a known geographic position of the mobile communication device with respect to the base station with an SID index in the roaming list (Wherein a comparison is made with stored information such as a

database when the mobile communication device identifies a SID transmitted by the system; *col. 3, lines 12-20*).

Regarding **claim 8**, and as applied to claim 7, Lee et al. in view of Dennison et al. disclose the aforementioned mobile communication device. In addition, Lee et al. disclose wherein, upon matching of the geographic position with an SID index, the mobile communication device tunes to a preferred channel of the matched SID index (Once the preferred system is identified with the mobile communication device location; communication is established between the mobile communication device and the mobile communication system; *col. 3, lines 12-20 and lines 63-65*).

Regarding **claim 9**, and as applied to claim 8, Lee et al. in view of Dennison et al. disclose the aforementioned mobile communication device. In addition, Lee et al. disclose wherein the device tunes to a preferred channel by a searching of at least two preferred channel sequenced by a preference until a preferred channel is connected to by the mobile communication device (A sequence for selecting a preferred system when scanning for a frequency band based on the location of the mobile communication device, in which that sequence might comprise a set of rules of conditions for selecting such preferred system; *col. 4, lines 22-30; col. 7, line 60 thru col. 8, line 20*).

Regarding **claim 11**, and as applied to claim 1, Lee et al. in view of Dennison et al. disclose a mobile communication device, further comprising a locator. In addition Dennison et al. disclose wherein said locator utilizes GPS to locate the mobile communication device (Means for locating or determining the

precise position of a mobile communication device, wherein said means includes a GPS receiver; *col. 9, lines 20-21 and lines 37-78*).

Regarding **claim 12**, and as applied to claim 10, Lee et al. in view of Dennison et al. disclose a mobile communication device, further comprising a locator. In addition Dennison et al. disclose wherein said locator utilizes triangulation to locate the mobile communication device (Means for locating or determining the precise position of a mobile communication device, wherein said means include location techniques such as triangulation; *col. 16, lines 33-38*).

Regarding **claim 13**, and as applied to claim 10, Lee et al. in view of Dennison et al. disclose the aforementioned mobile communication device comprising a location converter, further comprising a locator. In addition Dennison et al. disclose wherein said location converter converts a location generated by said locator into a geographic region in the static table (Communication data that comprises computerized latitude and longitude tables which are then compared to geographic location tables; *col. 11, lines 28-34*).

Regarding **claim 14**, and as applied to claim 13, Lee et al. in view of Dennison et al. disclose the aforementioned mobile communication device comprising a location converter, further comprising a locator. In addition Lee et al. disclose, wherein said location converter comprises a software program resident in said memory (Computer programs resident in the mobile communication device memory, subsequently executed by the mobile communication device microprocessor; *col. 5, lines 53-67; Fig. 3, items 232 and 302-312*).

Regarding **claim 15**, Lee et al. disclose a mobile communication system, comprising: at least one base station (radio transceivers or base stations that comprise the necessary equipment to transmit and receive calls to and from a mobile communication device located in their operating area or cell; *col. 3, lines 57-61; Fig. 1, item 110*); and at least one mobile communication device (A mobile communication device such as a mobile phone; *col. 4, lines 44-45; Fig. 1, item 114, Fig. 2, item 114*), comprising: a signal sender that send signals to said at least one base station (signal sender such as transmitter; *col. 4, lines 49-53; Fig. 2, item 214*); a signal receiver that receives signals from said at least one base station (Wherein the mobile communication device comprises a receiver; *col. 4, lines 49-52; Fig. 2, item 210*); determining a location of said mobile communication device (Determining the location of a mobile phone; *col. 2, lines 29-34; col. 3, lines 12-20; col. 6, lines 27-30*); and a memory (Wherein the mobile communication device comprises a control section that includes a memory; *col. 5, lines 20-22; Fig. 2, item 236; Fig. 3, item 236*), including a static lookup table containing base station identification information (A lookup table such as a or database table comprising a collection of data items or base station information identification data such as the System Identification Number to which the base station pertains, which is stored in memory for accessing or tuning to preferred mobile communication system; *col. 4, lines 18-26; col. 5, lines 55-56; col. 6, lines 6-11; col. 7, lines 27-30; Fig. 3, item 236; Fig. 4 and Fig. 5*), wherein said location of said at least one mobile communication device can be matched in said memory to at least one preferred system from the base station identification

information in said lookup table (A preferred system identified by a determined mobile phone location, subsequently selecting the preferred system from a database stored on memory based on the mobile phone determined location; *col. 2, lines 29-34*). Lee et al. fail to clearly specify wherein the mobile communication device, further comprises a locator for determining a location of said mobile communication device by a distance measuring technique.

In the same field of endeavor, Dennison et al. disclose a mobile communication device, comprising a locator determining the location of a mobile communication device by a distance measuring technique (Means for locating or determining the precise position of a mobile communication device, wherein said means includes a GPS receiver and location techniques such as triangulation; *col. 9, lines 20-21 and lines 37-78; col. 16, lines 33-38*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Lee et al. mobile communication device to comprise a locator as taught by Dennison et al. for the purpose of, accurately ascertaining the exact geographic location of a mobile communication device for means of providing a most efficient service, such as proper communication process management.

Regarding **claim 16**, and as applied to claim 15, Lee et al. disclose the aforementioned mobile communication system, comprising a locator converter (Using the SID or System "ID" for determining the mobile communication device location; *col. 6, lines 43-47*). Lee et al. fail to clearly specify the mobile communication device comprising a locator.

In the same field of endeavor, Dennison et al. disclose a mobile communication device, comprising a locator (Means for locating or determining the precise position of a mobile communication device, wherein said means includes a GPS receiver and location techniques such as triangulation; *col. 9, lines 20-21 and lines 37-78;*), furthermore converting location generated by said mobile communication device locator into a geographic region in the lookup table (Communication data that comprises computerized latitude and longitude tables which are then compared to geographic location tables; *col. 11, lines 28-34*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Lee et al. mobile communication device to comprise a locator such as a GPS receiver as taught by Dennison et al. for the purpose of, accurately ascertaining the exact geographic location of a mobile communication device for means of providing a most efficient service, such as proper communication process management.

Regarding **claim 17**, and as applied to claim 15, Lee et al. in view of Dennison et al. disclose the aforementioned mobile communication system. In addition Lee et al. disclose wherein said mobile communication device further comprises a processor (Wherein the mobile communication device comprises a controller/microprocessor; *col. col. 5, lines 22 and lines 55-62; col. 9, lines 50-55; Fig. 2, item 206 and item 232; Fig. 3, item 232*).

Regarding **claim 18**, and as applied to claim 15, Lee et al. in view of Dennison et al. disclose the aforementioned mobile communication system. In addition Lee et al. disclose wherein said lookup table comprises a roaming list (A

roaming list such as one stored on the mobile communication device memory that includes attributes in order to select a preferred mobile communication system; *col. 7, lines 30-35; Fig. 5*).

Regarding **claim 19**, and as applied to claim 18, Lee et al. in view of Dennison et al. disclose the aforementioned mobile communication system comprising a mobile communication device, further comprising a locator. In addition Lee et al. disclose geographic position of said mobile communication device with respect to at least one base station is matched with an SID index in the roaming list (Wherein a comparison is made with stored information such as a database when the mobile communication device identifies a SID transmitted by the system; *col. 3, lines 12-20*).

Regarding **claim 21**, and as applied to claim 15, Lee et al. in view of Dennison et al. disclose the aforementioned mobile system comprising at least one mobile communication device, further comprising a locator. In addition Dennison et al. disclose wherein said locator utilizes GPS (Wherein the means for locating or determining the precise position of a mobile communication device includes a Global Positioning System/GPS; *col. 9, lines 7-18*).

Regarding **claim 22**, and as applied to claim 15, Lee et al. in view of Dennison et al. disclose the aforementioned mobile communication system. In addition Dennison et al. disclose the aforementioned mobile communication, comprising at least three base stations, wherein said locator utilizes triangulation to locate said mobile communication device (Means for locating or determining the precise position of a mobile communication device, wherein said means

include location techniques such as triangulation, in which at least three base stations are employed in order ascertain the position of the communication device employing such technique; *col. 16, lines 33-38*).

Regarding **claim 25**, and as applied to claim 15, Lee et al. in view of Dennison et al. disclose the aforementioned mobile communication system, comprising a location converter. In addition Dennison et al. disclose wherein said locator comprises a location converter for converting a location of said mobile communication device generated by said locator into a geographic region from the lookup table (Communication data that comprises computerized latitude and longitude tables which are then compared to geographic location tables; *col. 11, lines 28-34*).

Regarding **claim 26**, Lee et al. disclose a method of connecting a mobile communication device to a preferred communication system, comprising: locating the mobile communication device using a location function within the mobile communication device (Location functions or techniques employed for determining the location of the mobile communication device; *col. 6, line 59 thru col. 7, line 23*); converting the location generated by said locating to a position range (Utilizing the SID to determine the location of the mobile communication device; *col. 6, lines 42-45*); matching the position range to at least one preferred SID index for the position range using a lookup table (Once the location is determined a correspondent preferred system can be identified; *col. 6, lines 45-47*); selecting a preferred SID system from a roaming list, wherein the preferred SID system corresponds to the at least one preferred SID index (Wherein a

comparison is made with stored information such as a database or roaming list when the mobile communication device identifies a SID transmitted by the system, consequently choosing a preferred system; *col. 3, lines 12-20*); and connecting the mobile communication device to a channel corresponding to the preferred SID system identified by the at least one preferred SID index (Wherein the mobile communication device scan for frequency bands to establish a communication channel with the system, once a preferred communication system is identified with the mobile communication device location, communication is established between the mobile communication device and the mobile communication system; *col. 3, lines 12-20 and lines 63-65*). Lee et al. fail to clearly specify locating the mobile communication device by a distance measuring technique.

In the same field of endeavor, Dennison et al. disclose a mobile communication device comprising a locator determining the location of a mobile communication device by a distance measuring technique (Means for locating or determining the precise position of a mobile communication device, wherein said means include location techniques such as triangulation; *col. 16, lines 33-38*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Lee et al. mobile communication device to comprise a locator as taught by Dennison et al. for the purpose of, accurately ascertaining the exact geographic location of a mobile communication device for means of providing a most efficient service, such as proper communication process management.

Regarding **claim 27**, and as applied to claim 26, Lee et al. in view of Dennison et al. disclose the aforementioned method. In addition, Lee et al. disclose wherein at least two preferred SID indexes match the position range (Once the location of the mobile communication device is determined, one or more preferred systems can be identified; *col. 6, line 59 thru col. 7, line 4*), further comprising sequentially searching, according to an order of preference, at least two channels correspondent to the at least two preferred SID indexes before said selecting (A sequence for selecting a preferred system when scanning for a frequency band based on the location of the mobile communication device, in which that sequence might comprise a set of rules of conditions for selecting such preferred system; *col. 4, lines 22-30; col. 7, line 60 thru col. 8, line 20*).

Regarding **claim 28**, Lee et al. disclose a mobile communication device (A mobile communication device such as a mobile phone; *col. 4, lines 44-45; Fig. 1, item 114, Fig. 2, item 114*), comprising: a signal sender (A signal sender such as transmitter; *col. 4, lines 49-53; Fig. 2, item 214*); a signal receiver (Wherein the mobile communication device comprises a receiver; *col. 4, lines 49- 52; Fig. 2, item 210*); determining a location of said mobile communication device (Determining the location of a mobile phone; *col. 2, lines 29-34; col. 3, lines 12-20; col. 6, lines 27-30*); and a memory (Wherein the mobile communication device comprises a control section that includes a memory; *col. 5, lines 20-22; Fig. 2, item 236; Fig. 3, item 236*) containing a roaming list (A roaming list such as one stored on the mobile communication device memory that includes attributes in order to select a preferred mobile communication system; *col. 7, lines*

30-35; Fig. 5) and a lookup table in which SID index entries (A lookup table such as a or database table comprising a collection of data items or base station information identification data such as the System Identification Number to which the base station pertains, which is stored in memory for accessing or tuning to preferred mobile communication system; *col. 4, lines 18-26; col. 5, lines 55-56; col. 6, lines 6-11; col. 7, lines 27-30; Fig. 3, item 236; Fig. 4 and Fig. 5*) are matched with position ranges (A preferred system identified by a determined mobile phone location, subsequently selecting the preferred system from a database stored on memory based on the mobile phone determined location; *col. 2, lines 29-34; col. 6, lines 27-47*); and a processor (Wherein the mobile communication device comprises a controller/microprocessor coupled to memory; *col. col. 5, lines 22 and lines 55-62; col. 9, lines 50-55; Fig. 2, item 206 and item 232; Fig. 3, item 232*), communicating with said signal sender and said signal receiver (A transceiver communicatively connected to a transceiver/ "signal sender and signal receiver"; *col. 9, lines 50-55; Fig. 2*), for executing computer software instructions that performs the steps of: converting a location of the mobile communication device to a position range (Wherein the mobile communication device comprises computer software such as computer programs that are stored in the mobile communication device memory, consequently executed by the microprocessor; said computer programs being an inference engine, a data collection, an induction engine, a clock, an expert system and a rule base. The data collection storing location information into a location database; *col. 5, lines 53-67; Fig. 3, items 232 and 302-312*); matching the position range to

a preferred SID index using said lookup table, (Wherein an inference engine matches the mobile communication device location information with a criteria or set of rules established by the rule based program; *col. 6, lines 32-47*); selecting from said roaming list a preferred SID from a roaming list (*Fig.4 and Fig. 5*), wherein the preferred SID is correspondent corresponding to the at least one preferred SID index, wherein the roaming list is stored in the memory (Wherein a comparison is made with stored information such as a database when the mobile communication device identifies a SID transmitted by the system; *col. 3, lines 12-20*); and connecting the mobile device to a channel corresponding to a preferred system indicated by the preferred SID (Once the preferred system is identified with the mobile communication device location; communication is established between the mobile communication device and the mobile communication system; *col. 3, lines 12-20 and lines 63-65*). Lee et al. fail to clearly specify wherein the mobile communication device, further comprises a locator for determining a location of said mobile communication device by a distance measuring technique.

In the same field of endeavor, Dennison et al. disclose a mobile communication device, comprising a locator determining the location of a mobile communication device by a distance measuring technique (Means for locating or determining the precise position of a mobile communication device, wherein said means includes a GPS receiver and location techniques such as triangulation; *col. 9, lines 20-21 and lines 37-78; col. 16, lines 33-38*).

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to have Lee et al. mobile communication device to comprise a locator as taught by Dennison et al. for the purpose of, accurately ascertaining the exact geographic location of a mobile communication device for means of providing a most efficient service, such as proper communication process management.

Regarding **claim 30**, and as applied to claim 28, Lee et al. in view of Dennison et al. disclose the aforementioned mobile communication. In addition, Lee et al. disclose wherein the roaming list comprises a plurality of available systems listed according to at least one system characteristic of each system (*See col. 7, lines 30- 35; Fig. 5, item 502*), which system characteristic includes at least a preferential status of each system (*See col. 7, lines 30- 35; Fig. 5, item 514*), and wherein each system is keyed to a SID (*See col. 7, lines 30- 35; Fig. 5, item 502*).

Regarding **claim 31**, Lee et al. disclose a system for connecting a mobile communication device to a preferred communication system (A preferred system identified by a determined mobile phone location, subsequently selecting the preferred system from a database stored on memory based on the mobile phone determined location; *col. 2, lines 29-34*), comprising: means for locating the mobile communication device (Means for locating or techniques employed for determining the location of the mobile communication device; *col. 6, line 59 thru col. 7, line 23*); means for converting a location generated by said means for locating to a position range (Utilizing the SID to determine the location of the mobile communication device; *col. 6, lines 42-45*); means for matching the

position range to a preferred SID index (Once the location is determined a correspondent preferred system can be identified, by means of matching the mobile communication device location information with a criteria or set of rules established by a rule based program, *col. 6, lines 32-47*); means for selecting the preferred SID, corresponding to the preferred SID index (Wherein a comparison is made with stored information such as a database or roaming list when the mobile communication device identifies a SID transmitted by the system, consequently choosing a preferred system; *col. 3, lines 12-20*); and means for connecting the mobile communication device to a channel corresponding to a preferred system indicated by the preferred SID (Once the preferred system is identified with the mobile communication device location; communication is established between the mobile communication device and the mobile communication system; *col. 3, lines 12-20 and lines 63-65*). Lee et al. fail to clearly specify locating the mobile communication device by a distance measuring technique.

Response to Arguments

6. Applicant's arguments filed on May 17, 2004 have been fully considered but they are not persuasive.

7. Applicant's arguments with respect to **claims 1, 15, 26, 28, and 31** have been considered but are moot in view of the new ground(s) of rejection.

8. In response to applicant's argument with respect to 35 U.S.C. 103(a) rejections that there is no suggestion to combine, regarding **claims 10-14 and 20-25**, the examiner

recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Applicant discloses that the correlation between both references (Lee et al. and Dennison et al.) are not from "the same field of endeavor", furthermore that conclusion for obviousness is insufficient or unsupported by incorporating Dennison et al. locator into Lee et al. system.

The examiner respectfully disagrees, because both Lee et al. and Dennison et al. disclose, suggest and teach a method or invention for the purpose of incorporating both into a mobile telecommunication system. Furthermore Lee et al. suggest or disclose determining the location of a mobile location device, the means for obtaining such (i.e., GPS, triangulation) are well known in the art of mobile telecommunications, which is clearly incorporated and referenced to by Dennison et al. In addition Lee et al. invention clearly suggests a method for determining a preferred system based on the location of the mobile communication device, which is also disclosed by Dennison et al. which method teaches a method for determining a proper service provider associated with the current system and the location of the mobile device is located (*See col. 11, lines 7-61*).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any response to this Office Action should be **faxed to** (703) 872-9306 or **mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Hand-delivered responses should be brought to

Crystal Park II

2021 Crystal Drive

Arlington, VA 22202

Sixth Floor (Receptionist)

11. Any inquiry concerning this communication on earlier communications from the Examiner should be directed to Ismael Quiñones whose telephone number is (703) 305-8997, and fax number is (703) 746-9818. The Examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

12. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9301.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose number is (703) 305-4700 or call customer service at (703) 306-0377.

Ismael Quiñones

I.Q.

July 26, 2004

CHARLES APPIAH
PRIMARY EXAMINER